

COMMONWEALTH OF MASSACHUSETTS

THIS IS NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE  
BOARD OF REGISTRATION IN NURSING

Wednesday November 14, 2012  
9 a.m. to 12:30 p.m.

239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 417A  
Boston, Massachusetts 02114

Agenda

11/7/2012 12:20 AM

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
9:20 a.m.	V.	Approval of Minutes A. October 10, 2012 Regularly Scheduled Meeting B. October 10, 2012 Adjudicatory Session C. October 10, 2012 65C Session	Minutes Minutes Minutes	
	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	none report report none report report report report	RH CR --- LT JMP AF/HC VI/DM



	Item #	Item	Exhibits	Staff Contact
11:30 a.m.	X.	<b>Practice</b> A. Proposed Revision Advisory Ruling 9802: <i>Licensed Practical Nurse Charge Nurses/Nurse Supervisors</i> B. Proposed Revision Advisory Ruling 0802: <i>The Use of a Vagal Nerve Stimulator Magnet</i> C. Proposed Revision Advisory Ruling 9804: <i>Administration of Immunizing Agents or Vaccines</i>	Memo Memo Memo	LT LT LT
	XI.	<b>Education</b>		
	XII.	<b>Announcements/Other</b>		
12:30 p.m.	XIII.	<b>Adjournment</b>		

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN NURSING**  
239 Causeway Street, Room 417A  
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting**  
Wednesday, November 14, 2012

**Board Members Present**

S. Kelly, RN/NP, Chair  
K. Gehly, RN/NP, Vice Chair  
M. Beal, RN/NM  
J. Killion, LPN  
B. Levin, RN  
C. Lundeen, RN  
E. Richard Rothmund, Public Member  
J. Roy, RN  
C. Simonian, PharmD, RPh  
C. Tebaldi, RN/NP

**Board Members Not Present**

P. Gales, RN  
A. Peckham, RN

**Board Staff Present**

R. Harb, RN, Executive Director  
H. Cambra, RN, JD, Complaint Resolution Coordinator  
A. Fein, RN, JD, Complaint Resolution Coordinator  
V. Iyawe, RN, SARP Coordinator  
D. Mclellan, RN, SARP Coordinator  
J. Pelletier, RN, Nursing Education Coordinator  
C. Robertson, RN, Deputy Executive Director  
C. Silveira, RN, Assistant Director for Policy and Research  
M. Strachan, JD, Board Counsel  
L. Talarico, RN/NP, Nursing Practice  
T. Westgate, Paralegal  
C. Jackson, BA, SARP/MPRS Coordinator

**Board Staff Not Present**

V. Berg, JD, Board Counsel

**Guests**

See attached list.

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**TOPIC:**

Call to Order

**DISCUSSION:**

A quorum of the Board was present.

**ACTION:**

At 9:07 a.m., S. Kelly, Chairperson, called the November 14, 2012 Regularly Scheduled Board Meeting to order.

**TOPIC:**

Approval of the Agenda

**DISCUSSION:**

Staff requested agenda item IX-9 L. Swain be deferred

**ACTION:**

Motion by B. Levin, seconded by E.R. Rothmund, and unanimously passed to approve the agenda as revised.

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**TOPIC:**

Adjudicatory Session

**DISCUSSION:**

None

**ACTION:**

Motion by J. Killion, seconded by K. Gehly, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:10 a.m. to discuss decisions in pending adjudicatory matters.

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**Adjudicatory Session 9:10 a.m. to 9:35 a.m.**

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**TOPIC:**

G.L. c. 112, s. 65C Session

**DISCUSSION:**

None

**ACTION:**

Motion b K. Gehly, seconded by J. Killion, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:35 a.m. to discuss negotiated settlements of complaints.

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**G.L. c. 112, s. 65C Session 9:35 a.m. to 10:10 a.m.**

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**RECESS 10:10 a.m. to 10:25 a.m.**

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**TOPIC:**

Approval of Minutes:

1. Approval of the Minutes of the October 10, 2012, Regularly Scheduled Board Meeting
2. Approval of the Minutes of the October 10, 2012, Adjudicatory Session
3. Approval of the Minutes of the October 10, 2012, 65C Session

**DISCUSSION:**

2/19/2013 14 Nov 12 Regular Board Minutes (approved dec 12, 2012)  
(Approved 12/12/12)

Adjudicatory session minutes will be corrected to reflect that C. Robertson was not present for the session

**ACTION:**

Motion by E.R. Rothmund, seconded by B. Levin, and unanimously passed to accept the Minutes of the October 10, 2012, Regularly Scheduled Board Meeting.

Motion by B. Levin, seconded by E. R. Rothmund, and unanimously passed to accept the Minutes of the November 14, 2012, Adjudicatory Session with corrections.

Motion by E. R. Rothmund, seconded by B. Levin, and unanimously passed to accept the Minutes of the November 14, 2012, 65C Session.

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**TOPIC:**

Reports

- A. Chairperson and Board Members' Reports
- B. Executive Director's Report
- C. Staff Reports
  - 1. Deputy Executive Director
  - 2. Associate Director for Policy and Research
  - 3. Practice
  - 4. Education
  - 5. Complaint Resolution
  - 6. SARP
  - 7. Probation Monitor

**DISCUSSION:**

- A. Chairperson and Board Members Reports: None
- B. Executive Director's Report: Board members reviewed R. Harb's previously distributed report Ms. Harb noted the latest DHPL, Board of Pharmacy and other personnel changes related to the meningitis outbreak and the New England Compounding Company (NECC).
- C. Staff Reports:
  - 1. Board members reviewed C. Robertson's previously distributed report
  - 2. None.
  - 3. Board members reviewed L. Talarico's previously distributed report.
  - 4. Board members reviewed J. Pelletier's previously distributed report.
  - 5. Board members reviewed H. Cambra's and A. Fein's previously distributed report
  - 6. Board members reviewed V. Iyawe's and D. Mclellan's previously distributed report

**ACTION:**

- A. So noted.
  - B. So noted.
  - C. So noted.
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**TOPIC:**

2/19/2013 14 Nov 12 Regular Board Minutes (approved dec 12, 2012)  
(Approved 12/12/12)

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update
- C. Quarter 3, 2012 NCLEX Reports

**DISCUSSION:**

- A. Board members reviewed L. Talarico's previously distributed report.
- B. Board members were provided the latest report and minutes from the Coalition for the Prevention of Medical Errors
- C. Board members reviewed the previously distributed Quarter 3, 2012 NCLEX Reports

**ACTION:**

- A. Accepted by consensus
- B. Accepted by consensus
- C. Accepted by consensus

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**TOPIC:**

Requests for License Reinstatement

- A. J. Galatis, RN141714; NUR-2009-0034
- B. L. Tanner, RN254431; RN-06-162

**DISCUSSION:** Board members reviewed T. Westgate's previously distributed memos which identified the Licensee's previous conduct, admissions, Board action and licensee's compliance with reinstatement terms

**ACTION:**

- A. **J. Galatis, RN141714; NUR-2009-0034;** Motion by E. R. Rothmund, seconded by B. Levin and unanimously voted to grant the Licensee's request for Reinstatement on the condition she enters into a standard consent agreement for Probation for at least one (1) year and also properly renews her nursing license.
- B. **L. Tanner, RN254431; RN-06-162;** Motion by E. R. Rothmund, seconded by J. Killion and unanimously voted to grant the Licensee's request for Reinstatement on the condition she enters into a standard consent agreement for Probation for at least two (2) years with continued urines and also properly renews her nursing license.

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**TOPIC:**

**A. Resolution of Pending Board Complaints**

- 1. B. Madera, LN51073, NUR-2012-0062
- 2. L. St. Louis, LN44501, NUR-2012-0061
- 3. C. Nyendwa, RN261033, NUR-2012-0108
- 4. S. Saroni, RN224127, NUR-2012-0081
- 5. J. Van Orden, RN190235, NUR-2012-0092
- 6. N. Jones, RN268125, NUR-2012-0089
- 7. E. Semykina, RN277138, NUR-2012-0114
- 8. A. Koska, LN86633, NUR-2012-0041
- 9. L. Swain, RN2267977, NUR-2011-0126
- 10. C. Luzaitis, LN37037, NUR-2011-0227
- 11. L. O'Donnell, RN/NP191796, NUR-2011-0263

12. J. Siart, LN69189, NUR-2012-0103, NUR-2012-0182
13. D. Mullins, LN69423, NUR-2012-0048

**B. Resolution of Pending Board Staff Assignments**

1. J. Piper, RN271120, SA-INV-2007

**DISCUSSION:**

Compliance Officers and the Complaint Resolution Coordinators presented their previously distributed Investigative Reports for Board Review and Action together with relevant clarifications, supplemental information and revised Complaint Resolution Coordinators' recommendations as necessary, if any.

**ACTION:**

**A. Resolution of Pending Board Complaints**

1. B. Madera, LN51073, NUR-2012-0062- Motion by E.R. Rothmund, seconded by K. Gehly and voted unanimously to DISMISS the complaint with a non-disciplinary caution letter that states that licensed nurses in Massachusetts are expected to adhere to all the laws and regulations governing nursing practice including but not limited to pain assessment, medication administration, and effective communication with healthcare providers.
2. L. St. Louis, LN44501, NUR-2012-0061- Motion by B. Levin, seconded by M. Beal and voted unanimously to DISMISS the complaint without prejudice for discipline not warranted.
3. C. Nyendwa, RN261033, NUR-2012-0108- Motion by E.R. Rothmund, seconded by C. Lundeen and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her RN license, for a period of sixty (60) days that includes the sole provision of successful completion of six (6) contact hours in Medication Administration and Documentation, completion of the NCSBN Learning Extension course Documentation: A Critical Aspect of Client Care, and three (3) contact hours on Critical Thinking and Judgment in Nursing.
4. S. Saroni, RN224127, NUR-2012-0081 – Motion by J. Killion, seconded by K. Gehly and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include documentation of her successful completion of six (6) contact hours on Assessment and Care of Patients with Respiratory Disorders, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Documentation in Nursing Practice and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
5. J. Van Orden, RN190235, NUR-2012-0092 – Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours Maintaining Patient Confidentiality in Nursing including the topic of Understanding HIPAA requirements, six (6) contact hours on Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, six (6) contact hours on Caring for the Terminally Ill Patient, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.



6. N. Jones, RN268125, NUR-2012-0089 – S. Kelly disclosed that she is employed by BWH, however has no involvement with anyone that interferes with her ability to act impartially on this matter. Motion by B. Levin, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard medical evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, six (6) contact hours on Professional Accountability, and Legal and Ethical Aspects of Nursing Practice, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
7. E. Semykina, RN277138, NUR-2012-0114 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for one (1) year that also requires documentation of her successful completion of three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, three (3) contact hours on Legal and Ethical Aspects of Nursing Practice and three (3) contact hours on Proper Delegation in Nursing, and an Affidavit from the Licensee that attests that she has reviewed and understands Board regulations on Delegation at 244 CMR 3.05 (4) and (5).
8. A. Koska, LN86633, NUR-2012-0041 - Motion by J. Killion, seconded by C. Lundeen and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered: (A) upon that upon successful completion, within 30 days, of six (6) contact hours on Physical Assessment, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice offer the Licensee a STANDARD CONSENT AGREEMENT FOR REPRIMAND, or (B) if the Licensee fails to successfully complete the continuing education identified above, offer a STANDARD CONSENT AGREEMENT FOR PROBATION of her LPN license for six (6) months that requires documentation of her successful completion of six (6) contact hours on Physical Assessment, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
9. L. Swain, RN2267977, NUR-2011-0126 – DEFERRED
10. C. Luzaitis, LN37037, NUR-2011-0227- Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her LPN license for an indefinite period with reinstatement requirements that also include documentation of: (a) successful completion of three (3) contact hours on Legal and Ethical Aspects of Nursing Practice, (b) successful completion of continuing education that meets the Board's requirements for past nursing license renewal, and (c) a signed affidavit that states that she has reviewed and understands the laws and Board requirement for license renewal and valid nursing practice in MA.
11. L. O'Donnell, RN/NP191796, NUR-2011-0263- Motion by B. Levin, seconded E.R. Rothmund and voted with: M Beal, B. Levin, J. Roy, E.R. Rothmund, J. Killion and K. Gehly in favor, and C. Simonian, C. Tebaldi, and C. Lundeen opposed to DISMISS this complaint without prejudice with a non-disciplinary caution that states that all advanced practice nurses authorized in the state of

Massachusetts are expected to adhere to accepted standards of conduct including but not limited to self-prescribing practices.

12. J. Siart, LN69189, NUR-2012-0103, NUR-2012-0182 – Motion by B. Levin, seconded by C. Lundeen and voted unanimously to refer both complains to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of these matters the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include a standard Mental Health Evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing that includes the Five Rights, three (3) contact hours on Legal and Ethical Aspects of Nursing, six (6) contact hours on Therapeutic Communication Skills in Nursing, (3) contact hours on Critical Thinking and Judgment in Nursing and three (3) contact hours on Nursing Care and Management of a Patient with an Enteral Tube that includes Risks and Complications, and a STANDARD POST- SURRENDER PROBATION for at least one (1) year.
13. D. Mullins, LN69423, NUR-2012-0048 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of his LPN for at least one (1) year that also requires documentation of his successful completion of six (6) contact hours on Fall Prevention, Reporting and Interventions in Nursing, three (3) contact hours on Care of the Cognitively Impaired Patient, three (3) contact hours on Documentation and Communication in Nursing Practice, and the on-line continuing education program titled, “Basic Head to Toe Patient Assessment (*single user*)” given by Education Global Technologies, Inc. found at <http://www.edgt.com/index.cfm>.

#### **B. Resolution of Pending Board Staff Assignments**

1. J. Piper, RN271120, SA-INV-2007 – C. Lundeen recused herself and left the room prior to the Compliance Officer’s presentation. S. Kelly disclosed that she is employed by BWH, however has no involvement with anyone that interferes with her ability to act impartially on this matter. Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to close the Staff Assignment without further action based on insufficient evidence to substantiate the allegations to warrant a complaint.

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#### **TOPIC: Practice**

- A. Proposed Revision Advisory Ruling 9802: *Licensed Practical Nurse Charge Nurses/Nurse Supervisors*
- B. Proposed Revision Advisory Ruling 0802: *The Use of a Vagal Nerve Stimulator Magnet*
- C. Proposed Revision Advisory Ruling 9804: *Administration of Immunizing Agents or Vaccines*

#### **DISCUSSION:**

- A. Members reviewed L. Talarico’s previously distributed memo
- B. Members reviewed L. Talarico’s previously distributed memo
- C. Members reviewed L. Talarico’s previously distributed memo

#### **ACTION:**

- A. Motion by C. Simonian, seconded by K. Gehly, and unanimously voted to issue revisions to Advisory Ruling Advisory Ruling 9802: *Licensed Practical Nurse Charge Nurses/Nurse Supervisors* to reflect format and title changes and provide clarity by:

- Defining “administrative function” as a function in which the LPN can assign another person the responsibility for performance of job functions within the scope and authority of an agency job description; and
- Differentiating between the terms “assignment” and “delegation” as they pertain to the role of a LPN in a management role, and
- Defining the activity of “assignment” to be the administrative authority used when appointing or designating to another person the responsibility for performance of activities within the assignee’s scope of practice, competency, and the employing agency’s job description and policies.

B. Motion by J. Killion, seconded by C. Simonian, and unanimously voted to:

- Find that the guidance provided in Advisory Ruling 0802: *The Use of a Vagal Nerve Stimulator Magnet* is current; and
- Revise Advisory Ruling 0802: *The Use of a Vagal Nerve Stimulator Magnet* to provide more clarity to the language.

C. Motion by E. R. Rothmund, seconded by B. Levin, and unanimously voted to issue revisions to Advisory Ruling 9804: *Administration of Immunizing Agents or Vaccines* to:

- in addition to the existing regulatory references from 244 CMR 9.00, include the following that are applicable to licensed nurses whose practice includes the administration of immunizing agents or vaccines:
  - a. 244 CMR 9.03(5) Adherence to Standards of Nursing Practice,
  - b. 244 CMR 9.03(6) Compliance with Laws and Regulations Related to Nursing,
  - c. 244 CMR 9.03(14) Asepsis and Infection Control,
  - d. 244 CMR 9.03(16) Patient Confidential Information,
  - e. 244 CMR 9.03(35) Security of Controlled Substances,
  - f. 244 CMR 9.03(38) Administration of Drugs,
  - g. 244 CMR 9.03(39) Documentation of Controlled Substances, and
  - h. 244 CMR 9.03(46) Responsibilities of Nurse in Management Role;
- identify that licensed nurses whose practice includes the administration of immunizing agents must report immunization data to the Massachusetts Immunization Registry pursuant to M.G.L. c. 111, s. 24M; and
- identify that licensed nurses whose practice includes the administration of immunizing agents must advise individuals receiving immunization(s) their rights when reporting procedures to the Massachusetts Immunization Registry pursuant to M.G.L. c. 111, s. 24M.

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**TOPIC:**

Announcements

**DISCUSSION:**

None

**ACTION:**

None

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**TOPIC:**

Adjournment

**DISCUSSION:**

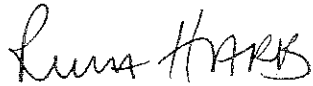
None

**ACTION:**

Motion by E. R. Rothmund, seconded by K. Gehly, and passed unanimously to adjourn the meeting at 12:25 p.m.

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Respectfully submitted by:

A handwritten signature in cursive script, appearing to read "Rula Harb".

Rula Harb, MS, RN, Executive Director  
Board of Registration in Nursing

Reviewed by: Mary Strachan, Board Counsel  
Board of Registration in Nursing